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U.S. Department of Justice

United States Attorney  
Southern District of New York

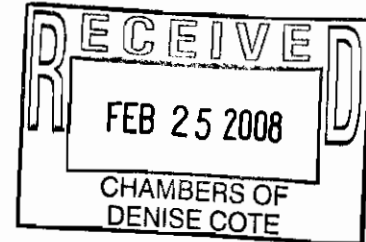
86 Chambers Street  
New York, New York 10007

**MEMO ENDORSED**

February 22, 2008

By Hand

Hon. Denise L. Cote  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007



Re: Juan Tavera v. Astrue  
07 Civ. 3660 (DLC)

Dear Judge Cote:

This Office represents the Commissioner of Social Security, defendant in this action. We write respectfully to advise the Court of the status of this matter and to request an adjournment of the briefing schedule.

Under the Court's current schedule, defendant's motion was due by February 22, 2008, plaintiff's cross-motion or opposition was due by March 21, 2008, and defendant's reply, if any, was due by April 4, 2008. As we advised the Court earlier, this Office had asked the agency to reconsider its position in this litigation. After further review of the matter, the agency wishes to seek a voluntary remand of this case. To that end, we recently wrote to plaintiff and offered him a remand of this case to conduct further proceedings, and enclosed a proposed stipulation to that effect. Plaintiff, who is proceeding pro se, has not yet advised this Office whether he will accept the Government's offer of remand. To allow time for plaintiff to consider the Commissioner's offer, we respectfully request the Court adopt the following proposed briefing schedule:

The Government will move for a remand by March 21, 2008;

Plaintiff will respond to the Government's motion by April 18, 2008;

The Government will serve a reply, if any, on or before April 30, 2008.

*Granted.*

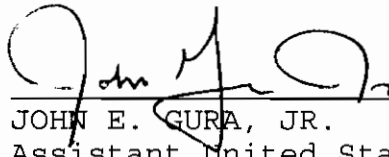
*Denise Cote*  
*February 25, 2008*

One previous request for an adjournment of the briefing schedule was granted in this case. Personnel in this Office attempted several times over the past week to reach plaintiff to seek his consent to this adjournment, but they were unsuccessful in their efforts. We thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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